

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARK S. "BEAR" DANIELS,

Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATION,  
*et al.*,

Defendants.

Case No. 2:08-cv-00615-KJD-GWF

**FINDINGS AND  
RECOMMENDATIONS**

On September 2, 2009, the Court ordered Plaintiff to show cause within thirty (30) days why Plaintiff's Complaint should not be dismissed due to failure to effect service upon Defendants in compliance with Fed.R.Civ.P. 4(i)(1)-(2) and 4(m). To date, Plaintiff has failed to respond to the Court's order to show cause within the allotted time period and the time allowed has now expired. Accordingly,

**IT IS HEREBY RECOMMENDED** that Plaintiff's Complaint (Dkt. #5) should be **DISMISSED with prejudice** based on Plaintiff's failure to show cause why the complaint should not be dismissed due to Plaintiff's failure to effect proper service.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues

1 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 26th day of October, 2009.

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6 **GEORGE FOLEY, JR.**  
7 **United States Magistrate Judge**  
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